

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

.....X  
BLOCKCHAIN MINING SUPPLY AND  
SERVICES LTD.,

No. 18-CV-11099-ALC-BCM

Plaintiff,

-against-

SUPER CRYPTP MINING, INC. N/K/A DIGITAL  
FARMS, INC. and DPW HOLDINGS, INC. N/K/A  
AULT GLOBAL HOLDINGS, INC.,

Defendants.  
.....X

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure (“FRCP”), upon the accompanying Declaration of Robert B. Volynsky, Esq., dated June 2, 2021, and upon the accompanying Memorandum of Law, and upon all prior proceedings, pleadings, and filings in the above-captioned action, Defendants Super Crypto Mining Inc. n/k/a Digital Farms, Inc. (“Super Crypto”) and DPW Holdings, Inc. n/k/a Ault Global Holdings, Inc. (“DPW” and with “Super Crypto” collectively, “Defendants”) shall move this Court at the United States Courthouse for the Southern District of New York, 40 Foley Square, Courtroom 435, New York, New York 10007, before the Honorable Andrew L. Carter, Jr., United States District Judge for an Order: (i) dismissing the First Amended Complaint in its entirety against Defendant DPW pursuant to FRCP 12(b)(2), with prejudice, for lack of jurisdiction or, alternatively dismissing the First Amended Complaint in its entirety against Defendant DPW pursuant to FRCP 12(b)(6), with prejudice, for failure to state a claim upon which relief can be granted; (ii) dismissing the Second Cause of Action (Promissory Estoppel) against Defendant Super Crypto pursuant to FRCP 12(b)(6), with prejudice, for failure to state a claim upon which relief can be granted; (iii) and for such further and other relief that the Court may deem just and

proper.

Dated: June 2, 2021

Respectfully submitted,

WELTZ KAKOS GERBI WOLINETZ  
VOLYNSKY LLP

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